

**CITY COUNCIL MEETING  
MONDAY, NOVEMBER 8, 2010**

Vaughn D. Spencer, President of Council called the meeting to order.

The invocation was given by Pastor Bruce Osterhout, Christ Lutheran Church.

All present pledged to the flag.

**ATTENDANCE**

Council President Spencer  
Councilor Acosta, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Marmarou, District 4  
Councilor Reed, District 5  
Councilor Waltman, District 6  
Interim Managing Director C. Geffken  
City Auditor D. Cituk  
City Clerk L. Kelleher  
City Solicitor C. Younger  
Mayor's Assistant F. Denbowski  
Sergeant at Arms, Capt. R. Schafer  
Mayor T. McMahon

**PROCLAMATIONS AND PRESENTATIONS**

City Council issued the following:

- Council Commendation recognizing the 150th Anniversary of St. John's Lutheran Church, accepted by Pastor Eckhard Grimm
- Council Commendation recognizing the 25th Anniversary of Roland Stock, accepted by John Roland and Edwin Stock

**PUBLIC COMMENT**

Council President Spencer announced that eight (8) citizens are registered to address Council about agenda matters and one (1) citizen is registered to address Council about non-agenda matters. He inquired if any Councilors object to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule requiring non-agenda comment at the end of the meeting was suspended. He reminded those registered to speak of the remaining public speaking rules.

**Jacqueline Althouse**, of Buttonwood Street, was not present.

**David Althouse**, of Buttonwood Street, was not present.

**Joanne Ross**, of Windsor Street, spoke in opposition to the ordinance limiting the number of dogs and cats per household. She expressed the belief that the limitation would create more strays and added that the City has more responsible pet owners than irresponsible owners.

**Lenin Agudo**, representing the Berks County Latino Chamber of Commerce, distributed the written remarks prepared by the Latino Chamber regarding their opposition to the expansion of parking meter enforcement to Monday through Saturday until 8 pm. He expressed the belief that this expansion will decrease the number of visitors to the downtown area and will jeopardize the downtown businesses. He also expressed the belief that decreasing downtown visitors will also decrease other fees and taxes, such as the Business Privilege Tax, Admissions Tax, etc.

**Adam Wagonseller**, representing the Legislative Aide Committee, described the Committee's work on the pet limitation ordinance after Council referred the issue to them in early 2010. He explained that the committee decided to move away from an annual permit fee and make the limitation complaint based. He stated that the ordinance would be enforced by the City's Animal Control agent and the decision of the agent can be appealed to the Animal Control Board. He noted that during their work on this issue many surrounding communities adopted limitations that are much more restrictive. He added that many Pennsylvania cities also apply limitations that are more severe. He explained that the case cited by those who oppose this legislation eliminated a blanket type restriction. He stated that communities that base the restriction on health and safety have been found to be constitutional in courts. He asked Council to enact this legislation.

**Louis Perguini**, of Summit Chase Drive, suggested delaying the vote on the unfunded debt issue as it would free the Administration of any responsibility for their illegal actions regarding the transfer from the sewer fund. He also noted that the sewer money should not be co-mingled with the general fund accounts. He asked Council not to bail the Administration out. He noted that Council should have been informed about this transaction by the Administration, not the City's Act 47 Coordinator.

**Angel Figueroa**, of Queens Court, expressed the belief that the community should be involved in addressing the City's financial troubles. He also spoke in opposition to expanding parking meter enforcement to Monday through Saturday until 8 pm. He expressed the belief that this action will move Reading in the wrong direction. He suggested eliminating the parking meters. He asked Council not to approve a bond to repay City funds.

**Luis Tejada**, of South 5<sup>th</sup> Street, spoke in opposition to the expansion of parking meter enforcement as it will harm downtown businesses.

**Andrew Molteni**, of Rose Street, spoke in support of BCTV as it provides public education and offers an unfiltered forum. He also spoke in opposition of the unfunded debt ordinance.

**Stephen Burgoon**, of North 8<sup>th</sup> Street, distributed some information regarding his uniform business. He stated that after he got the contract for Reading police uniforms, he moved his business into the City from Montgomery County. He described his dissatisfaction with the bidding process and the resulting decision from the most recent bid for police uniforms. He stated that the Administration elected to use a business that is located in West Reading and suggested that the City support businesses located within Reading.

### **APPROVAL OF THE AGENDA**

Council President Spencer called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading. He noted the need to add an ordinance for introduction regarding the increase of various parking fines.

**A. Resolution 104-2010** - authorizing the Mayor to execute a FFY2010 (36<sup>th</sup> CD year - January 1, 2010 to December 31, 2010) Action Plan Amendment to move \$120,000 in CDBG funding from the 2010 Street Lighting activity to the renovation of the Reading Public Library Main and branch locations activity (Community Development)

**B. Resolution 105- 2010**– naming Berks County Earned Income Tax Collection Bureau (BEIT) as the City's official Tax Collector (Finance)

**C. Resolution 106-2010**– allowing Berks County Earned Income Tax Collection Bureau (BEIT) to collect taxes other than EIT (Finance)

**Mr. Marmarou moved, seconded by Mr. Acosta, to approve the agenda as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.**

### **ADMINISTRATIVE REPORT**

Mayor McMahon read the report distributed to Council at the meeting, covering the following:

- Advising of the start of the Quality of Life Ticketing Program
- Thanking Council for supporting the addition of the Property Maintenance Aides
- Suggesting that Council reject the Pet Limitation ordinance
- Updating the public on the budget discussions

### **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting, covering the

following:

- 2010 Franchise Fee collections
- Crossing Guard reimbursement from the Reading School District
- Report on PILOTs 2006-2010

## **ORDINANCES FOR FINAL PASSAGE**

**A. Bill No 88-2010** - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees – Vending Machine Fees (**Council Staff**) *Introduced at the October 11 regular meeting; Tabled at the October 25 regular meeting*

**Ms. Reed moved, seconded by Mr. Acosta, to enact Bill No. 88-2010.**

Council President Spencer described the meetings coordinated by Councilor Reed with the Vending Machine Businesses to address the disparity with the fee increase, based on inspections that were not occurring.

Councilor Reed described the work to find a compromise with the vending machine businesses and to define a fair and workable inspection program. She thanked the City Clerk and Legal Specialist Butler for their assistance.

Councilor Goodman-Hinnershitz noted the productive nature of the meetings and suggested that all issues be handled in a similar manner. She thanked everyone for their assistance.

Councilor Marmarou noted the positive process used to find a reasonable compromise.

**Bill No. 88-2010 was enacted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman Spencer, President – 6.**  
**Nays – None – 0.**

**B. Bill No 89-2010** – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-503 thereby removing Saturdays as an excepted day for enforcement (**Law**) *Introduced at the October 11 regular meeting; Tabled at the October 25 regular meeting*

**Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 89-2010**

Council President Spencer explained that this ordinance will authorize the enforcement of parking meter regulations on Saturdays, which will help to increase Parking Authority Revenue and allow them to assist the City financially.

Councilor Acosta stated that he will not support this ordinance.

Councilor Goodman-Hinnershitz expressed the belief that this ordinance will have a negative impact on downtown businesses. She suggested upgrading the parking meters before beginning this expanded enforcement.

Mayor McMahon stated that the Parking Authority will be testing credit card meters at the beginning of 2011. He stated that the Parking Authority's ability to help hinges on the enactment of this ordinance.

**Bill No. 89-2010 was NOT enacted by the following vote:**

**Yeas: Marmarou, Reed - 2.**

**Nays: Acosta, Goodman-Hinnershitz, Waltman Spencer, President – 4.**

**C. Bill No 90-2010** – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-504 Thereby extending hours of enforcement between 8:00 am and 8:00 pm **(Law) Introduced at the October 11 regular meeting; Tabled at the October 25 regular meeting**

**Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 90-2010**

Council President Spencer explained that the expansion of parking meter enforcement until 8 pm will also assist the Parking Authority's effort to assist the City financially.

Councilor Waltman expressed the belief that this expansion represents a hasty move. He suggested a more cognitive approach along with a well thought out plan.

Councilor Goodman-Hinnershitz agreed that improved planning should occur.

**Bill No. 90-2010 was NOT enacted by the following vote:**

**Yeas: Marmarou – 1**

**Nays: Acosta, Goodman-Hinnershitz, Reed, Waltman Spencer, President – 6.**

**D. Bill No 91-2010** - amending the Animal Control ordinance by limiting the number of cats and dogs per household **(Legislative Aide Committee/Council Staff) Introduced at the October 25 regular meeting**

**Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 91-2010.**

Council President Spencer explained the background of this issue, noting that the issue was referred to the Legislative Aide Committee at the beginning of 2010. He explained the

Committee's research and work to develop this ordinance. He stated that many other Pennsylvania municipalities have similar regulations. He noted that the ordinance will be enforced by the City's animal control agent.

Councilor Goodman-Hinnershitz noted concern with the limitation.

Councilor Acosta expressed concern with the perception people have of the enforcement agent and inquired about other enforcement responsibilities. He stated that he will not support the ordinance.

Council President Spencer again explained that the City's animal enforcement agent will enforce this and other regulations contained in the Animal Control ordinance.

**Bill No. 91-2010 was NOT enacted by the following vote:**

**Yeas: Marmarou – 1**

**Nays: Acosta, Goodman-Hinnershitz, Reed, Waltman Spencer, President – 6.**

**E. Bill No 92-2010** - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 Fiscal Provisions by providing clarifying language regarding Council approval of transfers to and from all City fund accounts **(Waltman/Council Staff) ) Introduced at the October 25 regular meeting**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to table Bill No. 92-2010.**

**Bill No. 92-2010 was tabled by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman Spencer, President – 6.**

**Nays – None – 0.**

**F. Bill No 93-2010** - approving the enactment of the Ordinance authorizing (1) the issuance of a series of General Obligation Bonds in the maximum aggregate principal amount of not to exceed \$20,000,000, to finance the funding of certain unfunded debt of the City and to pay the costs of issuance of the Bonds; (2) the execution and delivery of (a) a Bond Purchase Proposal from Wells Fargo Bank, National Association for the purchase of the Bonds on the terms and conditions established in the Ordinance and (b) an Addendum to such Bond Purchase Proposal which will be delivered by Wells Fargo Bank, National Association upon the final pricing of the Bonds and (3) the execution and delivery of such other agreements, certificates, instruments and documents necessary in connection with the issuance of the Bonds subject to the review and approval of such agreements, certificates, instruments and documents by bond counsel to the City **(Finance) Introduced at the September 27 regular meeting**

**Councilor Reed moved, seconded by Mr. Acosta, to enact Bill No. 93-2010.**

Interim Managing Director Geffken explained that this bond will clean the City's financial slate resulting from the borrowing of money from the sewer fund, allow the pension payment, etc.

Councilor Waltman stated that he will not support this ordinance as it is a slap in the taxpayers' face.

Council Goodman-Hinnershitz expressed the belief that this issue is the culmination of the overuse of one time financial fixes. She stated that this is a difficult issue but will support it due to the addition of other correctional efforts such as the addition of a Controller.

Councilor Reed expressed the belief that the City has established additional controls such as those in the Act 47 Recovery Plan that will assist the City moving forward. She stated that she will support this ordinance with regret, as there is no other alternative.

Councilor Acosta stated that this transaction is like paying off one credit card with another credit card. However, he stated that repercussions will occur if the transaction is not approved. He stated that although this is a risky transaction he will support it as no other solution was identified. He stated that the Act 47 Coordinator required the City to approve this transaction.

Councilor Waltman stated that the Administration was unwilling to explore alternative options or solutions.

**Bill No. 93-2010 was enacted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Spencer, President – 5.**

**Nays: Waltman – 1.**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following ordinances into the record:

**A. Ordinance** - amending the City of Reading Codified Ordinances Chapter 10 Part 19 by creating a Vending Machine section which establishes a permit, permit fee, inspection, inspection fee and penalties for the operation of all vending machines in the City of Reading and providing for an appeal board and procedures, penalties as well as renumbering the sections as required, as attached in exhibit a (**Law**)

**B. Ordinance** - recognizing the members of the Reading Main Street Program Board and authorizing the Board to carry out the goals & objectives of the Reading Main Street Program in accordance with the policies of the Department of Community and Economic Development of the Commonwealth of Pennsylvania (**Law/Community Development**)

**C. Ordinance** – ordering an investigation under the authority of the Home Rule Charter

Section 216, regarding the use of sewer funds (Council Members)

**D. Ordinance** – increasing violation fines for various non-meter parking regulations as required by the Act 47 Recovery Plan (RE03 & PA02)

## **RESOLUTIONS**

**A. Resolution 107-2010** – authorizing submission of the FFY2011 Action Plan to the United States Department of Housing and Urban Development (**Community Development**)

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution No. 107-2010.**

Council President Spencer explained that the Action Plan provides the City with approximately \$3M from HUD annually for community development projects.

Councilor Goodman-Hinnershitz stated that she will support this community-wide broad-based plan. She thanked the Administration for working with Council to develop this plan.

Councilor Reed noted her agreement with the positive approach used to develop this plan. However, she stated that she will not support the plan as it funds BCTV.

**Resolution No. 107-2010 was adopted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Spencer, President – 5.**

**Nays: Waltman – 1.**

**B. Resolution 108-2010**– appointing Brian Burket to the Planning Commission (**Admin Oversight**)

**C. Resolution 109-2010**– reappointing Robert Swope to the Board of Ethics (**Admin Oversight**)

**The Administrative Oversight committee moved to adopt Resolutions 108 and 109-2010.**

Councilor Marmarou noted the skill and enthusiasm of those being appointed this evening. Councilors Reed and Acosta voiced their agreement.

**Resolutions No. 108 and 109- 2010 were adopted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman, Spencer, President – 6.**

**Nays: None – 0.**



## **COUNCIL COMMENT**

Councilor Marmarou noted the College Heights Community Council meeting scheduled for Sunday, November 14<sup>th</sup> at the Nativity Lutheran Church. He stated that the Orangestone and the historic district issues will be discussed.

Councilor Goodman-Hinnershitz thanked the Administration for assisting with the parking situation at Pendora Park. She reminded the Administration of the need to prepare traffic regulation ordinances to correct various traffic regulation changes.

Councilor Goodman-Hinnershitz inquired about the repaving of Cotton Street and the 11<sup>th</sup> and Penn area. She also congratulated District 2 for having a safe and happy Halloween.

Interim Managing Director Geffken stated that the Administration has decided to rebid for police uniforms.

Council President Spencer suggested that in the future the Administration reach out to individual businesses to garner support for expanded parking meter enforcement rather than reaching out to only the Chamber. He stated that many small businesses are not Chamber members.

Council President Spencer expressed the belief that the Pet Limitation ordinance was a fair and reasonable approach to a difficult issue. He noted the many people who reside near homes that reek of cat urine and animal feces.

Council President Spencer stated that while he disagrees with the unfunded debt concept he supported it as no viable alternative was presented by the Administration. He stated that this transaction will provide the City with the money it needs to carry through 2010. He also noted that Council was told by the Act 47 Coordinator that Council had no choice and had to approve the transaction, since it was a component of the Act 47 Recovery Plan.

Council President Spencer stated that the Administration's claim that Council's lack of annual support for property tax increases caused much of the City's financial problems is totally incorrect. He stated that better management of City issues by the Administration would have prevented the problems faced by the City today.

Interim Managing Director Geffken announced that a Business Seminar is scheduled tomorrow morning in Council Chambers.

**Councilor Acosta moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.**

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*

